

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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HARRY GEORGE GABELBAUER, III,

Plaintiff,

v.

MR. JOHN FONK,

Defendant.

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ORDER

Case No. 23-cv-195-jdp

Plaintiff Harry George Gabelbauer, III, a prisoner in the custody of the Kettle Moraine Correctional Institution, has filed a proposed civil complaint. Plaintiff is a prisoner and, therefore, subject to the 1996 Prisoner Litigation Reform Act. Plaintiff has requested leave to proceed without prepayment of the filing fee, and submitted one uncertified monthly inmate transaction statements to support this request. These statements are insufficient to determine whether plaintiff qualifies for indigent status because plaintiff has not submitted a *certified* copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint.

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than April 21, 2023. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Harry George Gabelbauer, III may have until April 21, 2023 to submit a certified trust fund account statement for the period beginning approximately September 27, 2022 and ending approximately March 27, 2023. If, by April 21, 2023, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 30<sup>th</sup> day of March, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge